

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|--|---|-----------------------|
| HEATHER SMITH, individually and on |) | |
| Behalf of all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-23-559-D |
| |) | |
| WHALECO INC. DBA TEMU, |) | |
| |) | |
| Defendant. |) | |

ORDER ON STIPULATION OF DISMISSAL

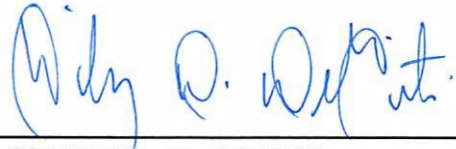
Before the Court is the parties' Joint Stipulation of Dismissal [Doc. No. 56], in which the parties stipulate to the dismissal of this action in its entirety, with prejudice and without costs as to Plaintiff, and without prejudice and without costs as to any claims of the putative class.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties' joint stipulation of dismissal operates as a voluntary dismissal of Plaintiff's action on the date of filing.¹

Therefore, as stated in the stipulation, this action is **DISMISSED WITH PREJUDICE** and without costs as to Plaintiff Smith and **DISMISSED WITHOUT PREJUDICE** and without costs as to any claims of the putative class; each party is to be responsible for its respective costs and fees.

¹ See *De Leon v. Marcos*, 659 F.3d 1276, 1283 (10th Cir. 2011) ("stipulation of dismissal filed under Rule 41(a)(1)(A)(i) or (ii) is self-executing"); *Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (Rule 41(a)(1) dismissal "does not require an order of the court").

SIGNED this 2nd day of June, 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge